

Introduction

As a Mankato City Council Member, you are one of a seven-member board of a public entity with a budget of \$69 million. Council members jointly establish policies for the community, establish spending limits, and provide leadership for the community. Policies are established through City Council action by resolution, ordinance or motion. A Council member's scope of duties, responsibilities and services are extensive. Countless hours of discussion at work sessions, staff research and public input from neighborhood meetings and public hearings demands the Council member's time.

There are resources available to assist Council members in defining their duties and responsibilities. This handbook is one; the League of Minnesota Cities Handbook for Minnesota Cities, the Mankato City Charter, the City of Mankato Policy and Procedure Manual, and the Mankato City Code are others. These publications are available for review in the City Manager's office. This document contains a glossary of terms (Chapter 13) which may be useful to you as you read this document and for future reference.

The League of Minnesota Cities (LMC) is an organization which assists cities by lobbying, providing training and is a resource for issues and questions a city may have. The LMC Handbook is a comprehensive document available to all prospective and current Council members. The LMC Handbook provides information on the roles and responsibilities of Council members, laws regulating council action, and special requirements of the Council. All new members would find it beneficial to review the handbook and clarify any issues, which are not clear. The LMC Handbook is a very extensive document; however, you may review the City's copy by making arrangements through the City Manager's office.

Sources of City Authority

The United States Constitution does not mention cities. However, cities are influenced by the Federal Government, indirectly through the state governments and directly through participation in federal funding of programs.

The Minnesota State Constitution authorizes the Minnesota Legislature to provide for the "creation, organization, administration, consolidation, division and dissolution of local government units and their functions, for the change of boundaries there of" (Minnesota Constitution Article XII, Section 3). Hence, legislature provides for the general formation of cities but more specific details are included in the City Charter and Code. Additional powers of the City may be broadened or restricted by state statute. The legislature does provide cities some discretion over policy areas as long as they are consistent with state statutes.

Mankato is a charter city, as authorized by Minnesota Statutes Chapter 410. A charter is the constitution of the city and is approved by the local citizens. Through charters, citizens are able to design their city's form of government. The gauge of a good city charter is one, which is easy to understand, is responsive to the organization and also assists the city to operate in an efficient manner. The charter is limited in its scope by state statutes. The authority of the council to act on behalf of the citizens is derived from the charter. The charter establishes the form of government for cities and Mankato is organized in the council manager form. The council manager form of government is explained further in Chapter 2.

The Charter Commission is responsible for maintaining a responsive and effective charter. The Chief Judge of District Court appoints charter commission members, who meet periodically to review the city charter, discuss issues affecting the charter, and makes recommendation for changes to the City Council and the public.

The City Code is a collection of ordinances that establishes the City of Mankato laws and regulations. Chapter 2 of the Mankato City Code describes Administration, City Organization, and Management of the City. Section 2.01 addresses the roles of the officers and administrative departments; Section 2.20 of the Code establishes the Mayor and Council member salaries; and Section 2.23 describes Council meeting procedures. The roles and responsibilities of the various committees within the city organization are described beginning with Section 2.40. In addition the Mankato City Code addresses utility rates, licensing requirements and regulations, public safety, planning and zoning and City financing.

Mankato City Charter and Code is also available for review at the Minnesota State University Mankato Library, the Minnesota Valley Regional Library and on the City's Homepage www.ci.mankato.mn.us If you have any questions about the Charter, please consult the City Manager.

Form of Government

The form of government established by the Charter is the “Council-Manager Plan.” The Council-Manager form of government is the most widely used organizational form. About one-fourth of the cities in Minnesota are organized in the Council-Manager form. The Council-Manager form of government combines the political leadership of the elected officials with the managerial experience of an appointed professional. The discretionary powers of the city are vested in and executed by the City Council, but are subject to initiatives, referendums, and recall powers of the people. The City Council has control over the City administration but exercises this power through the City Manager. Under the Council-Manager form of government the Council is the policy making and legislative body, and the administration of the city is left to the City Manager. The City Manager is responsible for the day to day operations of the City and is directly responsible to the City Council. The Council must remember the clear delineation between the City Manager obligations and responsibilities and the City Council’s function as policy makers.

Mayor and Council

The Council is composed of a Mayor and six Council Members. The Mayor and one Council Member are elected at large and the remaining five are elected from five wards. Council members must reside in the ward which they represent. The At-Large Council Member position is elected by voters citywide and holds the title of President of the City Council.

The Mayor serves as the Chair at any Council meetings. If the Mayor cannot participate at a meeting the At-Large Council Member assumes the Mayor’s duties. At any meeting where the Mayor and the At-Large Council Member are not present the most senior council member will be appointed by the remaining members of the Council to preside at the meeting.

The terms of the Council members are staggered so that only three Council members are on the ballot at any one time. The term for a Council member is four years and expires the first Monday in January after the November election. The number of terms a Council member chooses to participate in is unlimited. The position of Mayor is also a four year term. Candidates may file for election or reelection in the even numbered years. If at anytime the Mayor is unable to complete a term, the At-Large Council Member will become Mayor Pro Tem and possess the power and duties of the Mayor.

Duties and Responsibilities

The Mayor is recognized as the head of City Government for ceremonial purposes. All powers of the City are vested in the Council, except as otherwise specified by law or the Mankato City Charter.

The Council's duty is to ensure that all obligations and duties imposed on the City by law are implemented. The administrative duties of the City are the responsibility of the City Manager. The Council must make any inquiries or investigation through the City Manager. Neither the Council nor any single Council member can or should give orders to any officer, or employee of the City. Individual Council members cannot act on behalf of the City. The Council can exercise its authority or take action only as a body.

The Council is the legislative body of the organization. The members of the Council approve the tax rate, the budget and determine the vision of the City. The Council provides leadership for the community by identifying issues and then implementing goals and strategies to solve the issues. The focus of the Council member should be on the policy of the City and the Council's vision for the City, enforcement of ordinances, managing of the City's financial affairs, and conducting the City's intergovernmental affairs. Some of the ways the Council focuses on these goals is, land use development, comprehensive planning, capital improvement projects, capital financing and strategic planning. In order to implement their plans the Council gives the City Manager the authority and direction to execute the plans.

A good way for any citizen and particularly you as a prospective Council member, to gain insight and information about the City Council and the City, is to attend Council meetings or watch them on Public Access Television (CCTV). Once you are elected be prepared to spend time reading about current issues, past issues, legislation, and any other information which would assist you in your new position. Council members receive a lot of information from a variety of sources. A key to your success would be to organize a place in your home just for City information, start a filing system and keep the information in an organized manner. It is important for the Council members to know what the City does and how it performs its duties. It is essential that Council members make an effort to attend the many City functions and events to which you will be involved.

Communication and Information

There are several ways a Council member can receive information from the Intergovernmental Center. City Council members can be connected to the Intergovernmental Center via computer, faxes and telephone. The Internet can be used for email and other related services.



Intergovernmental Center, 10 Civic Center Plaza, Mankato Minnesota

Mankato's web page can be found at www.ci.mankato.mn.us Information is keyword searchable.

The City of Mankato maintains a customer service line. Information can be accessed by dialing (507) 387-8555 and the extension number relating to the information you are seeking.

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City of Mankato Council Meetings

The Mankato City Council convenes at least once in every month. At the first meeting of the year, the Council takes the following action:

- Designates an official newspaper
- Assigns Committee duties to the members
- Establishes the regular meeting dates for the year
- Reviews operational policies and guidelines and makes necessary changes

The Council decides the times and the places of their public meetings. Currently, the Council meets the 2nd Monday at 7 p.m. and the 4th Monday at 6 p.m. with a work session immediately following. Meetings are held in the Minnesota River room on the first floor of the Intergovernmental Center (10 Civic Center Plaza). If a legal holiday should occur on one of these Mondays the Council meeting will be held on the next business day. All meetings are held in compliance with the Minnesota Open Meeting Law.

Special meetings of the Mankato City Council may occur. The Mayor and three Council Members can call them. These meetings could be to address additional business, budgets, or other pending issues, which the Council was unable to discuss at a regular meeting or needs to be addressed before the next regular meeting. Any special meeting must be held in conformity with the Minnesota Open Meeting Law and all other state or local laws that apply. (More information in Chapter 6 about the Minnesota Open Meeting Law)

The Mankato City Council may meet in a closed meeting to discuss labor negotiations, threatened or pending litigation, and to evaluate the performance of the City Manager. The City Council must follow the procedure to close meetings according to the Open Meeting Law.

Work sessions of the City Council are called by the City Manager. Work sessions are scheduled on an as needed basis. They are typically on the opposite Monday of the regular Council meeting or any other day agreeable to the Council. The purpose of a work session is to give the City Council information on an issue, which may be a future agenda item. These sessions are conducted for informational purpose only and they are open to the public.

The Council also has the authority to hold emergency meetings because of special circumstances. The procedure for notifying Council members is the same as special meetings; however, the public notice is different. The Council must notify the media and public by telephone or any other good faith method.

When holding meetings the Council needs to have a quorum in order to conduct business. A quorum is the number of Council members needed to legally transact business. A majority of the Council is at least four members, which constitutes a quorum. If the membership of the Council would be less than four members the Council may appoint members to fill the vacant positions. (See Chapter 11 on vacancies)

For operational purposes the Council can decide its own rules and order of business for its meetings. The City Clerk keeps a permanent record of the proceedings which, is available to the public. The official proceedings of the Council can also be found on the Internet at: www.ci.mankato.mn.us under the heading City Council.

All regular and special meeting dates and times will be posted at the Intergovernmental Center outside of the Minnesota River Room and other locations designated by the City Council or City Clerk.

Also, all regular and special council meetings and the Truth-In-Taxation meeting will be video taped and broadcast on CCTV.

Agenda

The City Clerk physically prepares the agenda for the City Council meetings under the direction of the City Manager. Items are scheduled on the council agenda with the approval of the City Manager. In preparing the agenda the City Manager holds regular meetings the Tuesday before the Monday Council meetings. At this meeting the staff and City Manager completely review each item on the proposed agenda. After the meeting the City Clerk prepares the agenda, the City Manager approves it and it is then ready for the Council meeting. Agendas are included with each packet. Packets are available via the internet and intranet the Thursday before the Monday Council meeting. The council packet will contain the agenda information on each agenda item for you to review before the meeting.

Procedure for Meetings

Order of Business

The Mayor presides over the Council meetings and the President or At-Large Council Member would perform the duties in absence of the Mayor. The following is an outline for Council meetings.

1. Call to Order
 - Mayor calls the meeting to order.
2. Roll Call
 - City Clerk takes the roll of the Council Members.
 - The Council, staff and public in attendance recite the Pledge of Allegiance.
3. Approval of the Agenda
 - This action makes the agenda official for the meeting.
4. Approval of the Minutes
 - This is an official action of the Council. A careful reading for accuracy should have been accomplished prior to the meeting and any changes should be made before Council approval.
 - Approved minutes become the official document of record of the Council meeting they address.
5. Public Open Forum
 - The Council allows 15 minutes for members of the public to address any topic that is not on the meetings agenda.
 - Council listens to input and refers questions to City Manager for response at a later time.
6. Consent Calendar
 - These are routine non-controversial items approved with one action.
 - Items can be pulled for further discussion, and separate action.
7. Public Hearings
 - This is the point for public hearings when necessary.
8. Ordinances
 - Ordinances are changes to the Mankato City Code and require a public hearing (see Chapter 9).
9. Variance
 - Variances are requests by property owners for Council approval to do something contrary to the Zoning Ordinance.
10. Planning Commission
 - Advisory report and recommendations for Council action.
11. Traffic and Safety Report
 - This is usually under the consent calendar and contains actions related to parking and traffic control.

12. Licenses
 - Routine approval of licenses may be in the consent calendar portion of the agenda.
 - The Council reviews applications and takes formal action on City licenses.
 - This is also where licenses may be reviewed for possible suspension or revocation.
13. City Manager's Report
 - City Manager reports progress on authorized actions.
 - City Manager would request authorization to take action.
14. Reports of the City Council Members
 - This may be from other committees a member serves on or a conference or seminar which they have attended.
15. Miscellaneous Business
 - Reminders of upcoming meetings.
16. Public Open Forum
 - The Council allows 15 minutes for members of the public to address additional matters or to comment on actions taken at that night's meeting.
 - Council listens to input and refers questions to City Manager for response at a later time.
17. Adjournment

Voting

Actions of the Council pass or fail by majority vote of the Council. Majority is determined by the number of Council member's present at the meeting. Certain actions such as an un-petitioned street project require an extraordinary majority or 4/5 of the whole Council. Council members may abstain from voting on a particular agenda item; however, abstentions have the same affect as a "no" vote.

Principal Rules Governing Motions

The following information is from page 110 of the League of Minnesota Cities Handbook on governing motions.

Motions – These are a formal method of bringing business before the council and for stating propositions on which the council will have to make a decision. The list contains the more common motions. Motions can be made only by the council members, clerk, or mayor.

Requires a second – Motions which have a "yes" after them in this column must be seconded by a council member before they can be considered. The maker of a motion may not second his own motion. By seconding a motion, a person does not necessarily indicate that he is in favor of it.

Can interrupt a speaker – Motions which have a "yes" in this column can be made at any time during a council meeting. They may be made even while another has the floor and is speaking.

Debatable – A “yes” in this column means that the council can discuss the merits of the motion. A “no” in this column means that no discussion is allowed and that the motion must be voted on as soon as it is made and seconded.

Amendable – Motions which an affidavit mark in this column can be changed by amendment. Motions with a “no” in this column must be voted on in the same form as the motion was originally made.

Vote required to pass – This tells whether the motion requires a simple or a two-thirds majority for passage.

Can be reconsidered – This indicates whether or not a motion that was once passed or defeated by the council can be considered again later in the meeting.

| Motions | Requires a Second | Can Interrupt a Speaker | Debatable | Amendable | Vote Required to Pass | Can be Reconsidered |
|--|-------------------|-------------------------|-----------|-----------|------------------------|---------------------|
| I. PRIVILEGED MOTIONS¹ | | | | | | |
| To adjourn ² | Yes | No | No | No | Majority | No |
| To recess (to take a recess) ³ | Yes | No | No | Yes | Majority | No |
| To ask for a question of privilege ⁴ | No | Yes | No | No | No Vote ⁵ | -- |
| II. SUBSIDIARY MOTIONS⁶ | | | | | | |
| To postpone temporarily (lay on the table) ⁷ | Yes | No | No | No | Majority | No |
| To postpone to a definite time | Yes | No | Yes | Yes | Majority | Yes |
| To postpone indefinitely ⁷ | Yes | No | Yes | No | Majority | Only a positive |
| To vote immediately on the question ¹⁰ (previous question) | Yes | No | No | No | 2/3 | No |
| To place a limitation on debate ¹¹ | Yes | No | No | Yes | 2/3 | Yes |
| To refer the motion to a committee | Yes | No | Yes | Yes | Majority | Yes |
| To amend a motion, ordinance or resolution | Yes | No | Yes | Yes | Majority | Yes |
| To substitute one motion, ordinance or resolution for another | Yes | No | Yes | Yes | Majority | Yes |
| III. MAIN MOTIONS | | | | | | |
| Any general motion, resolution, or ordinance | Yes | No | Yes | Yes | Majority ¹² | Yes |
| To reconsider a motion already Passed or defeated ¹³ | Yes | Yes | Yes | No | Majority | No |
| To consider an action previously postponed temporarily or laid on table (to remove from the table) | Yes | No | No | No | Majority | No |
| To appeal or challenge a ruling by presiding officer ¹⁴ | Yes | Yes | Yes | No | Majority | Yes |

City Manager

The Council-Manager forms of city government became popular at the turn of the century as part of the movement to reform and remove the corruption from city organizations. The model has created a whole new career option and profession in which people dedicate their lives to working in city government.

Many of the City Managers either have degrees in Public Administration, Urban Studies, or other formal training or government employment. A Masters degree is required to be a City Manager in Mankato. Many City Managers belong to the International City Manager Association (ICMA) which was founded in 1914 and is a professional and educational association for city administrative officers. ICMA's mission is "to strengthen the quality of local government through professional management." The City Manager is subject to the professional code of ethics from the ICMA and the twelve ethical principles of personal and professional conduct of the ICMA organization.



The City Manager is appointed by the City Council and serves at the pleasure of the City Council. The Council establishes policy and programs and the City Manager executes the actions of the Council. The role of the City Manager is to serve the Council and the community, to bring local government projects and programs to the citizens on behalf of the Council. The City Manager prepares the budget, recruits, hires and supervises the Department Directors of the organization and serves as the Council's chief advisor. The citizens and Council members count on the City Manager to provide them with unbiased and objective information, while presenting both sides of the issue and the long term consequences. It is the duty of the City Manager to keep the Council informed and to be sensitive to issues of the Council. Just as Council members need to keep the City Manager apprised of constituent concerns and future issues.

All direction to city staff MUST be from the City Manager and not individual Council members. The Mankato City Charter specifically prohibits interference with administration in Section 2.06, Subdivision 3.

Section 2.06, Subdivision 3 - Interference with Administration. Except for the purpose of inquiries and investigations under Section 2.10, the Council or its members shall deal with city officers and employees who are subject to the direction and supervision of the Manager solely through the Manager, and neither the Council nor its members shall give orders to any such officer, employee, either publicly or privately.

An annual performance evaluation of the City Manager is complete by the Mankato City Council. This evaluation helps to assure the goals of the City are being accomplished and provides direction and guidance to the City Manager. The City Manager may be evaluated in the following areas: leadership, judgment, problem solving, communications, interpersonal/community relations, and the ability to accomplish the goals and objectives. The City Manager communicates in a variety of ways with the Council: work sessions, retreats, and one to one contacts via either telephone or in person, and in writing.

All Council members are treated fairly and equally by the City Manager. The need for regular communication between the City Manager and Council is essential to maintain open communication with the organization. The organization and structure of the City is an important aspect for you to understand.

The flow of authority is from the citizens to the City Council from the City Council to the City Manager and from the City Manager to the city organization. Within the organization the flow of authority is from the City Manager to the Department Directors and then to the subordinate staff. Any complaint or question should be directed to the City Manager. The City Manager then will alert the appropriate Department Director about the concern or question. In the absence of the City Manager, a Council member may contact the Human Resources Director with any questions or concerns.

(Insert Organizational Chart)

CITY STRUCTURE

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The organizational structure within the City of Mankato has the City Manager at the top of the organization. The City Manager provides supervision to the organization through the Directors. There are ten Departments, which are as follows:

- **Civic Center.**
The Civic Center Department handles all customer service, operations maintenance, and marketing for the Midwest Wireless Civic Center.
- **Community Development.**
The Community Development Department consists of housing, inspections, planning and zoning, and economic development.
- **Engineering.**
The Engineering Department plans, designs, and inspects the new construction and reconstruction of the sanitary sewers, water mains, storm drains, streets and sidewalks.
- **Finance.**
The Finance Department is responsible for the City's finances, accounting, and insurance as well as building maintenance/parking.

- **Human Resources.**

The Human Resources Department is responsible for the planning, organizing and directing of the human resources of the City.

- **Information Technology.**

The Office of Information Technology supports all departments of the City. Information Technology manages all technology equipment and support, applications development and support, communications and connectivity, network security and backups, and ensures data integrity and records management.

- **Legal.**

The Legal Department of the City provides two functions, legal and administrative services to the City and prosecution of crimes occurring within the City of Mankato. This department also provides legal advice to the Council, the City Manager, Department Directors, and other City staff members.

- **Public Information.**

The Office of Public Information provides a variety of services to the City of Mankato. Citizen communication is the main function of this area.

- **Public Safety.**

The Public Safety Department provides police and fire protection as well as a variety of programs to prevent crime in the Mankato area. They also provide services to the community in the form of a speaker's bureau, home inspection for fire detectors /carbon monoxide and perform some rental housing inspections.

- **Public Works.**

The Public Works Department is comprised of the following divisions: Streets, Central Garage, Parks, Mass Transit, and Utilities.

Advisory Boards and Commissions

Boards and commissions are used by the City Council to advise them in a variety of areas. The City has several boards and commissions, which advise the Council in its decision process. There are over 100-community volunteers that serve in an advisory capacity on these boards and commissions. The members of these advisory boards or commissions are recommended for appointment by the Appointments Committee and approved by the City Council.



Boards and commissions in the City are organized for a variety of reasons. Some of the committees are created by ordinance or by policy. Some are required by state statute. City Council members pay dues to belong to some organizations and this automatically makes them a delegate to the organization. They can also be appointed to be a liaison to a committee or assigned to a task force. The following are the different boards/committees/and commissions.

Committees by Ordinance

Committees established by ordinance are included in the Mankato City Code. Examples can be found in Section 2.40 through 2.44 of the Mankato City Code.

Planning Commission – consists of seven members, one Council member and six citizens. This commission makes recommendations to the Council in areas of planning and the maintenance of the comprehensive plan (Section 2.40 of the Mankato City Code).

Environmental Committee – consists of seven members, one Council member and six citizens. They make recommendations to the Council on policies and ordinances, which are appropriate for the preservation of the natural resources of the City (Section 2.41 of the Mankato City Code).

Human Rights Commission – is composed of not more than fifteen members and not less than seven. The City Council currently serves as the Human Rights Commission. The City Manager coordinates and assigns staff to assist this commission. They are advisory to the Council in human rights issues and laws (Section 2.42 of the Mankato City Code).

Multi-Modal Transportation Committee – is a committee of six members, all residents of Mankato. Mass Transit and Airport User Groups, consisting of individuals with vested interests in the respective areas may also be formed and meet as directed by the City Manager. The Multi-Modal Transportation Committee conducts site plan reviews, and any other proposals as deemed necessary by the City Manager.

Special Board of Review – consists of five regular members and two alternates which are appointed by the City Council. This committee must adhere to Minnesota Statutes Section 274.01, Subdivision 1. This committee deals with property assessment and classification. They meet twice a year to hear citizen complaints on valuation of property.

Committees Created by Statute

These are examples of commission authorized by statute:

Mankato Joint Civil Service Commission – establishes eligibility lists for Police and Fire Bureau hiring. This committee has absolute power over hire, promotion, discipline and discharge. M.S.S. 419.02, Subdivision 2.

Charter Commission – is appointed by the Chief Judge of District Court and is responsible for reviewing the City Charter and making recommendations to the City Council and the public. This commission must follow M.S.S. 410.05 and 410.12.

Economic Development Authority – consists of seven voting members who currently are the City Council. Appointed members are the City Manager and Economic Development staff. Encourages economic development within the City and provides assistance to businesses whenever necessary.

Committees Created by Local Policy

These are committees, which are created because of City Council action or to establish public policy. The following are examples of committees created by policy:

Blue Earth County/City of Mankato Intergovernmental Committee – provides an opportunity for the cooperation and collaboration of the two units of government. The membership of this committee is two members of the Mankato City Council, two members of the Blue Earth County Board, the City Manager and the County Administrator and one ex officio member.

Mankato/North Mankato Intergovernmental Committee – is comprised of two Council members from each Council, ex officio members are: North Mankato City Administrator, Mankato City Manager and a member from Minnesota State University, Mankato. The role of this committee is to enhance the intergovernmental cooperation between the two cities.

Eastwood Industrial Board – the Mayor, the City Manager, Mankato's Economic Development Director and representatives from NSP serve on this board. Provide for the development, operation, and maintenance of Eastwood Industrial Park.

Joint Powers Boards

Joint powers boards are another avenue used to shape public policy and create cooperation among units of government. Two or more units of government may create a joint powers board by signing a legal agreement to cooperate in providing services to the public.

Minnesota Valley Regional Library Board – membership of this board is one elected official from Nicollet, Blue Earth and Sibley Counties, one elected official from the Cities of St. Peter, Mankato and North Mankato, and one member who is an At-Large representative from the schools. This boards powers and duties are explained in the Minnesota State Statutes, Section 375.33. The main focus of this board is to provide library services to the region.

Cable Communication Advisory Board – is comprised of seven members, one elected official and one staff person from each city, a member from Minnesota State University Mankato, South Central Technical College and one District 77 representative. This board serves to advise the Mankato and North Mankato Councils on franchise issues related to the cable television provider.

All Seasons Arena Board – consists of members from Nicollet and Blue Earth Counties, the cities of Mankato, North Mankato and Skyline. The focus of this board is to advise the School District on the operation of the All Seasons Arena.

Mankato/Blue Earth County Joint Services Board – consists of two elected officials from the City of Mankato and two elected officials from Blue Earth County, the City Manager and the County Administrator. This board deals with prospective joint cooperation topics for the two governmental entities.

Liaison

A liaison to a committee is appointed to enhance communication between the City Council and another organization. The purpose of being a liaison member is to provide a connection with an organization and the City. They serve only for communication purposes and do not have any authority to vote or influence decisions of the committee. An example is the Council member appointed to serve as a liaison to Minnesota State University Mankato Student Senate.

City Manager Committee's

These committees are established to assist the City Manager in areas of policy and director for the City. They will vary depending on the issue or policy in question.

Traffic and Safety Committee – is comprised of one Council member, City staff, one District 77 representative, a representative from Blue Earth County, MNDOT local government person, a highway patrol officer, and a representative from Minnesota State University Mankato. The purpose is to review requests for traffic devices and regulations and to provide unbiased recommendations for public safety.

Task Forces

A task force is established by the City Council to address a specific issue. Once the issue has been addressed the task force usually is disbanded or becomes inactive until needed at another time.

Committees or Associations of Others

The City of Mankato belongs to organizations, which provide services to local units of government. As a member of the organization, the City of Mankato can share in the benefit and services available through the organization. Further, by pairing with other government entities, the City can have a larger voice in issues affecting the City of Mankato and the surrounding region.

Region Nine Development Commission – has forty elected officials serving on this board, they represent counties, cities, townships, soil and water conservation districts, school districts and the Minnesota Valley Council of Governments. The City of Mankato Mayor is a voting member. This commission was established by the Regional Development Act of 1969. They serve to promote the economic development, and provide policy direction to the social, physical, and governmental problems of the region.

Community Services Recreation Department Advisory Board/City Members – this is an intergovernmental board. The cities of Mankato, North Mankato and District 77 are represented. This board's purpose is to advise on recreational programs, services to the citizens and coordination of city facilities.

Coalition of Greater Minnesota Cities – the City of Mankato is a member and the City Manager and the Mayor serve on this committee. This organization was created to influence legislation which impacts out state Minnesota.

Blue Earth County Mayors/Clerks – the Mayor and the City Manager serve on this committee. They meet monthly to discuss issues of common concern to the cities in Blue Earth County.

Mankato Quality Council – recognizes local businesses for achieving quality.

Minnesota Valley Council of Governments – one City Council member and the City Manager serve on this board. It is an intergovernmental policy and governing board overseeing the services provided by the Council of Governments to its members.

League of Minnesota Cities – is an organization in which the Council pays dues. This organization provides technical support to the Council and City Manager.

Open Meeting Law

The Minnesota Open Meeting Law provides that all meetings of the City Council and any committee, subcommittee, board, department or commission thereof shall be open to the public. The reason for the Minnesota Open Meeting Law is to prohibit elected officials from making decisions without the public being fully informed. The law is enforced to assure the public's right to be informed of and participate in actions of the City Council. For purposes of the Open Meeting Law, a "meeting" is defined as a gathering of a quorum or more, where members intentionally discuss, decide or receive information as a group on issues relating to the official business of the City of Mankato. Whenever the Council meets the following information should be available to the public:



- When the Council meets and the location of the meeting

The opportunity should be available for the public to:

- Watch the meeting and be present
- See how the Council members vote on issues
- Printed information the Council has at the meeting
- Summary of Council minutes

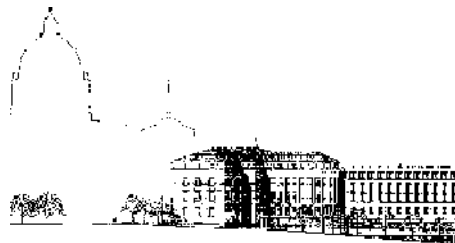
Thus any scheduled gathering of the City Council or a committee must have proper notice and be open. This includes meetings where members receive information that may influence later decisions. Chance meetings and social gatherings are excluded; however, Council members cannot discuss or receive information on official business in private social settings. Further, even though gatherings of less than a quorum do not meet the definition of "meeting", serial gatherings of less than a quorum may be a violation upon the individual case.

There are few exceptions to the Open Meeting Law and very specific requirements regarding notice and subject of closed meetings. Strict adherence to these requirements is necessary to avoid violating the statute. The City Attorney should be consulted when the Council is considering conducting a closed meeting.

The provisions of the Open Meeting Law are often inadvertently violated by City Council members. Council members who intentionally violate the provisions of the Open Meeting Law are subject to personal liability for up to \$300 civil penalties per single occurrence. Government entities are prohibited from paying these penalties for Council members. If a Council member has three or more intentional violations by the same Council member the result is forfeiture of the right to serve on the City Council. Examples of potential violations are:

- Chamber of Commerce gathering with Council members
- Planning session with staff
- Neighborhood land use gathering
- Hockey association discussion with Council members

Data Practices Act



The purpose of the Data Practices Act is to give the public access to records and data gathered and maintained by the City. Generally, all data collected and maintained by the City is public information. The Data Practices Act attempts to balance the public's right to know with the respect for the individual's privacy.

Data is classified into categories, which are used to define "privateness" or confidentiality of the data. These categories assist the organization in deciding whether data can be released and to whom. This list is an example of data the City would gather or maintain and whether the information is public or private.

Elected Officials Correspondence

The information is private but can be made public by either the sender or the recipient.

Property Complaints

Complaints, to the City of Mankato, which are violations of ordinances, are confidential data. For example, if on neighbor reports that another neighbor is in violation of an ordinance the name of the complainant cannot be disclosed.

Appraisal Data

Confidential until released or until the property is sold.

Elected Officials and Financial Disclosure Statement

Disclosure of financial information of elected or appointed officials required by statute, which are filed with the City, are classified as public data on individuals.

Arrest Data, Response Data, and Investigative Data

Is classified as public information once the investigation is closed and charges are filed.

Some personnel data of applicants for positions with the City of Mankato, present and past employees, members of advisory boards and commissions, volunteers, and independent contractors is public.

The following list is public information:

- Name
- Gross Salary & Salary Range
- Contract Fees
- Pension
- Fringe Benefits
- Expense Reimbursements
- Job Title and Job Description
- Education, training, previous work experience
- The terms of any administrative or judicial agreement
- Work location and work telephone number
- Time records
- City and County of Residence
- Date of first and last employment

- The existence and status of any complaints or charges against an employee
NOTE: The actual circumstances of the complaint **ARE NOT** public data, whether or not the charge or complaint resulted in disciplinary action. The final disposition of any disciplinary action, with the reasons the action was necessary, and data documenting the reasons is public when final disposition is made. Final disposition occurs when the City makes its final decision about disciplinary action. Final disposition also includes resignation when the resignation occurs after the final decision of the City or arbitrator.

The following information is public and refers to former or current applicants; either for employment or an appointment to an advisory board.

- Veteran status
- Relevant test scores
- Rank on eligible list
- Job history
- Education, training, and work availability

Names of applicants are private except when certified as an eligible employee, ranked with other applicants for the position or as a finalist. A finalist may be someone who is called in for additional interviews but has not been chosen for the position.

The City Attorney should always be consulted when the Council is in question about what information is public and what is private. Releasing private information or refusing to release public information is a violation of the Data Practices Act. Violations of the Data Practices Act can result in a lawsuit against the City and or against an individual City employee, Council member or public official. Willful violations of this act can also result in misdemeanor prosecution and penalties.

Conflicts, Liabilities and Ethics

Conflicts of Interest

Mankato City Council members can not hold any other City office or City employment during his or her tenure as a Council member. A former member of the City Council cannot be employed by the City until one year after the expiration of the term they were elected. City Council members cannot engage in business or transactions of a financial or personal nature, directly or indirectly, which would conflict with their official duties as a member of the City Council. Examples of specific conflicts of interests are incompatible employment, disclosure of confidential information, receiving gifts and favors, representing private interests before a city agency or court, or any contract with the City. A conflict of interest would occur if a Council member has an individual interest in the outcome of the decision by the Council.

These are a few questions you can ask yourself to help you determine if a conflict exists.

- The nature of the decision being made
- The nature of the financial interest

Some of the common areas which pose a possible conflict of interest for Council members are planning and zoning issues, public improvements, special assessments, licenses, land purchases regulations and vacation of streets. Some other areas to be careful of are church memberships, family associations and club memberships.

NOTE: A copy of the Resolution Establishing Council Rules for the Determination of Conflict of Interest/Disqualification of Council member (Adopted April 25, 1988) is included in the back of this handbook.

Liabilities

The City of Mankato carries personal liability insurance policies on its elected officials, appointed officials, employees and officers. The City shall defend a person who is performing the duties of their job and is not guilty of malfeasance in office, willfully neglecting their duties or acting in bad faith.

Ethics

The issue of ethics and specifically gifts is addressed in Minnesota Statutes 471.895. Elected officials cannot receive gifts from an interested person. The definition of an interested person is: "a person or representative of a person or association that has a direct financial interest in a decision that an official is authorized to make." If a public official knowingly accepts a gift, which is forbidden the official may be guilty of a gross misdemeanor. A meal purchased by an interested party is considered a gift. A Council member may share a meal with an interested party as long as they pay for their own meal. If there is ever any question about accepting or declining a gift, the best option may be to decline.

Rules to Govern By

Land Use Laws

These laws provide the City with regulation authority of the land. The City adopts a zoning ordinance. This ordinance must comply “both in substance and procedures with state law.” Zoning has long been used as a regulatory tool for communities to use to control land use. This assists the City in planning for orderly growth and the extension of city services in a cost effective manner.



A zoning map is used to divide the community into different land uses to assist the City in planning and permitting of future growth. There are fifteen different categories for zoning and each has specific standards. There are two ways a person can vary from zoning standards a “variance” can be granted or a conditional use permit can be issued.

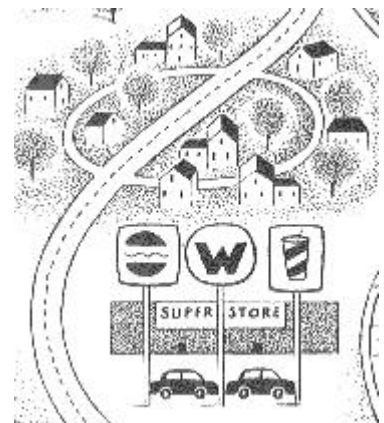
A variance allows the individual property owner to “vary” from the permitted use of the land or from the required rules for the property.

Conditional use permits are granted based on certain standards being maintained or established at the time of issuance. The permit is granted with a set of conditions that must be adhered to or the permit can be revoked.

Another tool the City of Mankato uses is a subdivision ordinance. The state law allows for cities to adopt subdivision ordinances. These ordinances contain specifics regarding size of lots, public services, and streets when large tracts of land are involved. This assists the City in planning for future growth by keeping standards consistent throughout the City.

Public Improvements

There are two types of improvements, petitioned and City initiated. A petitioned project would occur when the citizens who own 35% or more of the affected property sign a petition asking the City to do improvements. A City initiated project would be an improvement, which has been identified in the capital improvement plan. A City initiated project requires a 4/5 vote of the Council where as a petitioned project only requires a simple majority. The process for these types of improvements is as follows.



- The City notifies all affected property owners.
- A meeting is held prior to the first formal council meeting to provide information to the property owners.

- The first Council meeting is the project feasibility hearing.
--It is at this time that citizens present their opinions about the project.
- The second Council hearing is the assessment hearing.
--It is at this time that the cost of the project to the property owners is established.
- If after the completion of the project the cost is less than the assessment, property owners are notified and the correct amount is assessed. No assessment is made until the project is completed. This is in accordance with Minnesota Statutes, Chapter 429, which explains in detail the complete process.

Actions Requiring Ordinances

Ordinances are another legal avenue in which council direct policy. The following are actions of the City Council, which must be done by ordinance. This list is found in Section 2.13 of the Mankato City Charter.

1. Adopt or amend an administrative code or establish, alter or abolish any city department or agency.
2. Provide for a fine or other penalty or establish a rule or regulation for violation of which a fine or other penalty is imposed.
3. Levy taxes, except as otherwise provided in Chapter VI with respect to the property tax levied by adoption of the budget.
4. Grant, renew or extend a franchise.
5. Convey or lease, or authorize the conveyance or lease of any lands of the city, except as provided in Section 10.08 hereof, and excepting such conveyances or leases as are authorized by Minnesota Statutes.
6. Adopt with or without amendment ordinances proposed under the initiative power;
7. Amend or repeal any ordinance previously adopted, except as otherwise provided in Chapter V with respect to repeal of ordinances reconsidered under the referendum power.

Ordinances in General

The form of an ordinance must be in writing and can pertain only to one subject. An ordinance can be introduced by any Council member at a special or regular Council meeting. Ordinances are generally in written form by City staff and filed with the City Clerk who provides copies to all Council members. The City Clerk will publish a notice in the official newspaper of the City, which contains information regarding where the ordinance can be examined, and the time and place for the public hearing. A public hearing shall be held at least seven (7) days after the notice is published. The hearing can be held in conjunction with a regular Council meeting or as a special meeting.

The Council can reject, adopt or amend the ordinance. Any amendment, which changes the substance of the ordinance, will require the process to be repeated. After adoption of the ordinance the City Clerk shall have it published and a notice of adoption will also be published. The ordinance will take effect 30 days after its adoption is published.

License and Permits

The City has the authority to license and require permits for activities within its jurisdiction. The purpose of licensing and permitting is to regulate the activities, provide oversight for inspection in the public's interest. A license is the granting of a special privilege within the City boundaries. The City is exercising its police power to protect and promote the welfare and safety of the public through the licensing process.

Applications for most city licenses are acquired from the City Clerk. Completed applications together with the required fee and any other documents specified in the code must be returned to the City. The City Clerk is authorized to issue some licenses without Council action. Other licenses must be issued by the City Council. They are usually included in the consent calendar portion of the agenda.



Some of the areas the City of Mankato licenses are:

| | |
|-----------------------|--------------------------------------|
| Liquor | Coin Operated Amusement Devices |
| On Sale Wine Licenses | Bottle Clubs |
| Public Dances | Liquor Establishment Dances |
| Carnival | Theater |
| Tobacco | Charitable Solicitation Registration |
| Peddlers | Taxicab Vehicles |
| Refuse Haulers | Dwelling Unit Rental |
| Sale of Soft Drinks | Lawful Gambling Activities |
| Tree Trimmers | Explosives |
| Alarm Systems | |

More specific information about these licenses and the licensing process can be found in Chapter 5 of the Mankato City Code.

Financial Aspects of the City of Mankato

The Charter of the City of Mankato is very specific about responsibilities and procedures for the financial administration of the City. The Charter establishes the calendar year as the fiscal year. By order of the Charter, the Council either appoints a committee for budget oversight or delegates the responsibility for the budget to an administrative officer. The City Council has delegated the fiscal responsibility to the City Manager who is assisted in that responsibility by the Deputy City Manager.

Submission of the budget including a budget message must be accomplished on or before the fourth month before the beginning of the fiscal year, typically September. The budget is a financial plan for the City for the fiscal year. Any major changes from previous years should be highlighted and a summary of the changes prepared. The budget should explain each of the following areas: proposed revenues and expenditures, proposed capital expenditures, and debt payment schedule.

Budget and Tax Levy



On or before the first Council meeting in September the City Manager will present the next year's budget message and preliminary budget. This is accompanied by a preliminary property tax levy. The Council adopts the preliminary tax levy and sets the maximum property tax levy available to the City for the following year.

The process of compiling the budget begins in early June. Departments prepare their requests and submit them to the Finance Department by mid July. The City Manager then meets with each Department Director to review the proposed budget. Staff prepares a recommended preliminary budget to present to the Council. The middle of August is usually the first time the Council examines the proposed budget. The next step for the Council is to review each department or fund budget for the following year. The Council may make changes in the preliminary budget during this review process.

The City Manager then schedules a work session to discuss the overall budget and proposed tax levy. During the first week of December the City holds its Truth in Taxation Hearing to present the final budget and property tax levy to the citizens for their comments. After the Truth in Taxation Hearing, time is allowed for input on the final budget and tax levy. The final budget and levy for the new fiscal year must be adopted prior to December 15 of each year.

Capital Budget



The capital budget of the City combines the Capital Improvement Plan for major construction and acquisition projects and the information needed to implement the projects. These projects are prioritized and are consistent with the City's Comprehensive Plan and Strategic Plan. Capital improvement projects are frequently financed through the issuance of bonds. Funding requirements for bond funded projects include the principal and interest payments for those bonds.

Financial Statement

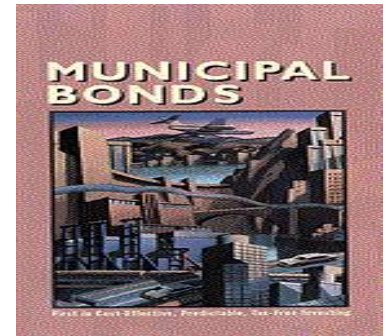
City staff prepares the Comprehensive Annual Financial Report (CAFR). This financial report explains the financial status of the City and explains the sources of revenues and expenditures. It is reviewed and tested through an audit by a certified public accounting firm. The audit must be in compliance with all state requirements.

The audit preparation process begins in late January each year. The auditors are usually on site examining financial materials, for a two or three week period in March. The CAFR is prepared following this examination. After review by the auditors, the CAFR is presented to the City Council in early June.

Bonds

One of the ways in which the City finances projects is by issuing bonds. In general a city can issue bonds for any authorized expense, which is not a current expense. The use of bonds for acquisition, development, construction, or improvements of capital assets is allowable.

A city can also issue bonds for public improvement in which they will gain revenue. They can purchase police, fire, and street equipment. This type of bond must be short term.



The following are examples of types of general obligation bonds the City has issued.

General obligation bonds are issued to provide funds for the acquisition and construction of major capital facilities. These bonds are direct obligation and pledge the full faith and credit of the City. These bonds are repaid primarily from the ad valorem taxes.

Tax increment bonds are issued for redevelopment projects. The additional tax increments resulting from increased tax capacity of the redevelopment properties will be used to retire the related debt.

Improvement bonds are issued to finance various improvements and will be repaid primarily from special assessments levied on the properties benefiting from the improvements. Some issues, however, are partly financed by ad valorem tax levies.

Revenue bonds are issued to finance capital improvements to the enterprise funds. They are retired with the use of the revenue from the enterprise fund.

When the City issues bonds the following procedure must be followed:

- Advertise for bids
- Set a date for hearing
- Hold a public hearing
- Open the bids
- Award bids

Other Tax Exempt Financing



Private business can approach the City of Mankato and use the City as an avenue to purchase bonds. This provides for a lower interest rate and tax exempt status for the business. The bonds are issued on the full faith and credit of the business and not the City. This is called a “conduit issuance” the City of Mankato is not responsible for the bonds in any manner.

A negotiated sale of bonds is when the City may need to expedite the process. The City would solicit a bond company and negotiate the terms of the bonds. This type of bond issuance is usually when the bond issuance is a small amount and the funds are needed quickly. The City of Mankato does not have to advertise or go through the public hearing process for these bonds. The amount of the bonds cannot exceed standards, which are established in Minnesota Statute 475.52.

Another avenue for purchase of large capital equipment can be by lease to purchase. This could be used for purchasing street equipment, computer system, and fire equipment or police vehicles. This option usually requires a down payment and then equal installments for a set period of time.

City Council Compensation

Council salaries are set by ordinance. Any increase in salary does not become effective until the first meeting in January after the next November election. The ordinance must be adopted at least six months before the election. The adoption of the ordinance must occur before the month of May of the election year. Current salary amounts can be found in Section 2.20 of the Mankato City Code.

Council members can be reimbursed for expenses incurred while doing city business such as: mileage, meals, conference expenses and other miscellaneous items. The Council members must complete a voucher attaching receipts, for specific amounts of the requested reimbursement. The voucher is then turned into the City Manager for approval and forwarded to the Finance Department for payment. Conference expenses can be paid by the City, to the City Manager's office for payment if submitted far enough in advance.

You will receive conference material at meetings and in mailbox at the Intergovernmental Center. Mailboxes are maintained in the City Manager secretary's office. Administrative support is provided through the City Manager's office for Council members. The City Manager's secretary provides word processing, scheduling of appointments and other miscellaneous duties. Sensitivity to the workload of the City Manager's support staff is appreciated. Remember that the individual may have other work assignments, which also require their attention.

Vacancies

There are several reasons a vacancy may occur on the City Council, an election may be deemed to be invalid, a death, resignation, or removal from office. A Council member may move to another city. Also, medical reasons or illness could stop a Council member from attending meetings. When the absence extends beyond three months the Council has the authority to remove the present Council member and appoint a new member. Another reason for removal would be any Council member who does not perform their duties and responsibilities in good faith.

The process for filing a vacant seat is established in the Mankato City Charter, Section 2.07. The Council must declare the vacancy by a resolution. In the event the remaining term is greater than 365 days, a special election must be held to fill the unexpired term. In the resolution, the Council should establish the filing dates; the dates shall be for a period of not less than five business days. Once the filing period is closed, the Council must establish a date for the special election. The person receiving the highest number of votes in the special election will be certified for the remainder of the unexpired term.

In the event the remaining term is less than 365 days the Council can appoint a citizen from the ward of the vacancy to finish the unexpired term.

If the office of the Mayor becomes vacant before July 1 a special election will be held. If the position becomes vacant after July 1 and it is a regular election year the office will be filled by the November election.

Leaving Office

All good things must come to an end and some day you may not be a Council member anymore by decision or default. Once this happens there are a couple of things to remember.

The City Charter states in Section 2.06, Subdivision 1 – “No former Council member shall hold any compensated appointive City office or employment until one (1) year after the expiration of the term for which elected to the Council.”



Additional Training and Resources

There is a variety of training sources available to new and present Council members. One of the sources is the League of Minnesota Cities (LMC). This agency provides information and training to elected officials and staff. In January, the LMC provides a refresher session and new Council member training. They educate the Council members on issues which are important at the time or they feel is necessary for new Council members. Every June the LMC has an annual convention at which, there are many seminars and workshops. These conventions not only provide a training time for Council members but a time to converse with other member cities to find out how they have handled issues. Throughout the year LMC provides legislative updates on the upcoming session and the implication of any new legislation. They hold a risk management seminar every year and other seminars and sessions as needed.

Other organizations also provide opportunities for Council members to learn about City government. The Coalition of Greater Minnesota Cities is geared toward greater Minnesota issues. This is also another opportunity for the Council member to network with other cities.

The Blue Earth County Mayors/Clerks is another organization, which educates the elected official in areas pertinent to them.

The City of Mankato also is a member of the National League of Cities. This organization has an annual conference in Washington D.C. in the spring and a fall conference in various locations. The focus of this conference is on lobbying and federal issues as they impact cities and information on national policies.

There are private firms, which provide a variety of training on communication, and organizations. Mayor, Council members and City staff provide a two hour training in December before the new Council members take office in January.

If resources exist and personal schedules allow, Council are encouraged to attend local, state and national conferences.

Glossary of Terms

Abatement - A complete or partial cancellation of a levy imposed by a government. Abatements usually apply to tax levies, special assessment, and service charges.

Abatement of Nuisance - The elimination of a situation which endangers the public health safety and welfare.

Abstention - Decision of a member not to vote on an item. An abstention is counted as a no vote. This is contrasted with the situation where a member is disqualified from voting, where such a member is not counted in determining the item's passage.

Accounts Payable - A liability account reflecting amounts on open account owing to private individuals or organizations for goods and services received by a government (but not including amounts due to other funds of the same government or to other governments.)

Accounts Receivable - An asset account reflecting amounts owing on open account from private individuals or organizations for goods and services furnished by a government (but not including amounts due from other funds of the same government).

Affirmative Action Plan - State and federally mandated plans to attract, recruit, hire, promote, retain, transfer, and train women and minority employees involving the setting of goals and procedures in written plans.

Age Composition (population structure) - A profile of the people in a particular planning area shown in terms of age and sex.

Allotment - A part of an appropriation which may be encumbered or expended during an allotment period.

Amortization - Gradual reduction, redemption, or liquidation of the balance of an account according to a specified schedule of times and amounts.

Annuity - A series of equal money payments made at equal intervals during a designated period of time.

Appraise - To make an estimate of value, of property. If the property is valued for purposes of taxation, the less-inclusive term "assess" is substituted for this term.

Appeal - Private individuals, a group, or a public agency may take the decision of a governing body to a higher authority for review of that decision.

Appropriation - A legal authorization granted by a legislative body to make expenditures and to incur obligations for specific purposes.

Assessed Valuation - A valuation set upon real estate or other property by a government as a basis for levying taxes.

Assessment - The process of determining the worth, or the market value of land and buildings for taxation purposes.

Assets - Resources owned or held by governments which have monetary value.

At-Large Representation - A person elected citywide and not one specific ward.

Audit - A methodical examination of use of resources. It concludes in a written report of its findings. An audit is a test of management's accounting system to determine the extent to which internal accounting controls are both available and being used.

Audit Report - The report prepared by an auditor covering the audit or investigation.

Authority Bonds - Bonds payable from the revenues of a special authority.

Bid - An offer to sell something or perform some work pursuant to specifications.

Bill - A term used to denote a law or statute passed by certain legislative bodies.

Blight - Social and/or physical decay of the community.

Bond - A written promise to pay a specified sum of money, called the face value or principal amount, at a specified date or dates in the future, called the maturity date(s), together with periodic interest at a specified rate.

Bond Discount - The excess of the face value of a bond over the price for which it is acquired or sold.

Bond Premium - The excess of the price at which a bond is acquired or sold over its face value.

Bonded Debt - That portion of indebtedness represented by outstanding bonds.

Bonds - A bond is a promise to pay money in the future issued by a city (or corporation, etc.) that may be secured or unsecured. A bond may be secured by the issuer's (city) full faith and credit, some stream of revenue from a developer, or some tangible asset.

Budget Message - Explains the budget in fiscal terms and in terms of work programs. It outlines the proposed financial policies of the government entity for the ensuing fiscal year, describe any important features of the new budget and indicate any major changes for the current year in financial policies, expenditures, and revenues along with the reason for changes. Summary of the government entity's debt position.

Building Code - A set of regulations governing the construction of buildings.

Building Permit - An official document issues by a city, township, or county which grants permission to a contractor or private individual to erect a building or make an improvement to an existing structure.

Bulk Regulations - Zoning ordinance restrictions on the density, height, location, and lot coverage of buildings.

Callable Bond - A type of bond which allows the issuer to pay the obligation before the state maturity date by giving notice of redemption in a manner specified in the bond contract.

Capital Budget - A plan of proposed capital outlays and the means of financing them.

Capital Improvement Program (CIP) - A program of when, where, and how much a city plans to invest in public services over the next five to ten years.

Cash - An asset account reflecting currency, coin, checks, postal and express money orders, and bakers drafts on hand or on deposit with an official agent.

Central Business District (CBD) - A common and usually central area of the community where citizens carry on commercial trade and purchasing.

Certificate of Occupancy - Official notice that a building is in accord with the zoning ordinance or building and housing codes, and may be used or occupied.

Charter - A document setting forth the principle functions and organization of a city or corporation.

Combination Bond - A bond issued by a government which is payable from the revenues of a governmental enterprise but which is also backed by the full faith and credit of the government.

Comparable Worth - A state law requiring all units of government study and classify all positions to create salary schedules that pay in relation to the relative worth of the positions.

Comprehensive Municipal Plan - The plan depicting the proposed use of land in the city that guides the adoption of zoning regulations, etc.

Conditional Use - A land use in a certain zone which is neither permitted outright nor prohibited outright.

Conditional Use Permit - A conditional use permit allows a development in a zoning district where the specifics of the proposed development are subject to review to determine the suitability of the development as proposed. A CUP can't be denied simply to prevent the use.

Consent Calendar - Items on the agenda that contain issues requiring council action. These items are usually non-controversial and acted on with one motion.

Contract - A contract, for purposes of the bidding laws, is an agreement for the sale or purchase of supplies, materials, equipment, or the rental thereof or the construction, alteration, repair or maintenance of real or personal property.

Cost Accounting - That method of accounting which provides for assembling and recoding of all the elements of cost incurred to accomplish a purpose, to carry on an activity or operation, or to complete a unit of work or a specific job.

Coupon Rate - The interest rate specified on interest coupons attached to a bond.

Debt - An obligation resulting from the borrowing of money or from the purchase of goods and services.

Debt Limit - The maximum amount of gross or net debt which is legally permitted.

Debt Service Fund - A fund established to account for the accumulation of resources for, and the payment of, general long-term debt principal and interest. Formerly called a sinking fund.

Deficit - (1) The excess of the liabilities of a fund over its assets. (2) The excess of expenditures over revenues during an accounting period; or, in the case of proprietary funds, the excess of expense over income during an accounting period.

Delegation - The process of allowing someone to perform a task that the Council is authorized to perform such as conducting a hearing. A proper delegation must be made under terms that define and instruct the person exercising the delegated power.

Density - The number of buildings, offices, or housing units on a particular area of land.

Depreciation - (1) Expiration in the service life of fixed assets, other than wasting assets attributable to wear and tear, deterioration, action of the physical elements, inadequacy, or obsolescence. (2) The portion of the cost of a fixed asset other than a wasting asset which is charged as an expense during a particular period.

Display and Consumption - Display and consumption is the use of set-ups where patrons mix alcoholic beverages with the mix supplied by the establishment.

Downzone - A change in a property's zone and designation to require a lower density or a less intense use.

Due Process - Due process means that a person's property interests cannot be affected without an opportunity to be advised of the basis upon which the adverse action is taken and the opportunity to be heard regarding the matter in a particular form.

Dwelling Unit - A building designed for and intended for human habitation.

Easement - A right to use property owned by someone else, usually for a specific purpose.

Economic Base - One of the major studies contained in the comprehensive plan. The study of the economic base seeks to investigate the assets and productive activities of a community.

Eminent Domain - The power of a government to acquire private property for public purpose.

Encumbrances - Commitments related to unperformed (executory) contracts for goods and services.

Enterprise Fund - A fund established to account for operations (a) that are financed and operated in a manner similar to private business enterprises – where the intent of the governing body is that the costs (expenses, including depreciation) of providing goods or services to the general public on a continuing basis be financed or recovered primarily through user charges; or (b) where the governing body has decided that periodic determination of revenues earned, expenses incurred, and/net income is appropriate for capital maintenance, public policy, management control, accountability, or other purposes.

Entitlement - The amount of payment to which a state or local government is entitled as determined by the federal government under an allocation formula contained in applicable statutes.

Environmental Impact Statement - A specific type of planning study. The impact study represents the combined efforts of many professionals such as biologists, environmentalists, planners, engineers, etc. and concentrates on the likely impact on the local environment that a certain project might be expected to have.

Equal Protection - Equal protection is a constitutional law concept that all people receive the same protection of the law. That is similarly situated people are treated similarly without regard to their race, creed, color, etc.

Exactions - The donation of land or money, the installation of improvements or other conditions required of a developer by the city government in return for approval of a proposed development.

Extraordinary Majority - Some actions require an extraordinary majority to adopt. In that situation, four-fifths of all members (not just those present) must vote for it to pass.

Fee - Recoupment of cost by the city as opposed to obtaining revenues in excess of the costs of providing service, or regulating the activity (i.e. liquor license). A fee in excess of the costs of regulating or providing service is a tax.

Fidelity Bond - A written promise to indemnify against losses from theft, defalcation, and misappropriation of public monies by government officers and employees.

Final Plat - The final application proposal submitted by a subdivider to the planning commission.

Fiscal Year - A 12-month period to which the annual operating budget applies and at the end of which a government determines its financial position and the results of its operations.

Flood Hazard - An area, properly identified, which is subject to periodic flooding capable of causing property damage and/or injury to people.

Franchise - A right or privilege officially granted a person or group by a government.

Frontage - The part of a lot that touches a road, street, or watercourse; usually expressed as a specific amount such as 100 feet of road frontage.

Fund - A fiscal and accounting entity with a self-balancing set of accounts recording cash and other financial resources, together with all related liabilities.

Funding Bonds - Bonds issued to retire outstanding floating debt and to eliminate debt.

Gift (Ethical Purposes) - Means money, real or personal property, a service, loan, a forbearance or forgiveness of indebtedness, or a promise of future employment, that is given and received without the giver receiving consideration of equal or greater value in return (M.S.S. Statute 10a.071).

General Fund - The fund used to account for all financial resources except those required to be accounted for in another fund.

General Obligation Bond - A bond secured by the general revenues of the city such that the city may be required to levy in order to make the payments required pursuant to the terms of the bond.

Grants - Contributions of gifts of cash or other assets from another government to be used or expended for a specified purpose, activity, or facility.

Harassment - Would be the action of repeatedly annoying or tormenting another individual.

Hearing - A hearing (in the context of a council meeting) is the opportunity to voice one's opinions to those making a decision.

Home Rule Charter - A home rule charter city is one that has its powers and structure determined by an election of its citizens in adopting a charter, as opposed to a statutory city whose structure and powers are prescribed by state statute.

Impartial Hearing - An impartial hearing is one held and conducted by a person who has no interest in the outcome and who is not controlled by the parties or interested in the outcome.

Imprest Account - An account into which a fixed amount of money is placed for the purpose of minor disbursements.

Improvements - Facilities which aid in land development. Improvements include streets, sewer and water lines, curbs, sidewalks, streetlights, fire hydrants, and street signs.

Industrial Revenue Bonds – Bonds issued by governments, the proceeds of which are used to construct facilities for a private business enterprise. Lease payments made by the business enterprise to the government are used to service the bonds. Such bonds may be in the form of general obligation bonds, combination bonds, or revenue bonds.

Initiative – The process whereby citizens place a proposed ordinance on the ballot. Initiative and referendum only apply to certain ordinances regulating conduct or establishing a procedure and may not be applied to administrative council actions.

Injunction – An injunction is a court order in connection with a lawsuit that prevents an action from being taken while the order is pending. In some cases the injunction's effect is to compel a positive act rather than to simply prevent an act from occurring.

Interested Person – A person or representative of a person or association that has a direct financial interest in a decision that a local official is authorized to make.

Investments – Securities and real estate held for the production of revenues in the form of interest, dividends, rentals, or lease payments. The term does not include fixed assets used in governmental operations.

Joint Powers – Units of government may enter into agreements to do through joint powers agreements almost anything that any one of the governmental bodies can do. Examples include joint police or other services among cities.

Judgment – An amount to be paid or collected by a government as the result of a court decision, including a condemnation award in payment for private property taken for public use.

Land Use – A broad term used to classify land according to present use and according to the suitability for future uses: That is, for housing, open spaces and parks, commercial, industrial, etc.

Land Use and Development Controls – Codes, resolutions, and ordinances enacted by local communities, townships, and counties under the authority of state enabling legislation. Such controls are designed and intended to be used for the protection of the public health, safety, and welfare.

Lawful Gambling – Lawful gambling refers to activities licensed by the State of Minnesota. Paddlewheels, tipboards, pulltabs, bingo, and raffles are the only permitted activities. All other forms of gambling are illegal.

Levy – (Verb) To impose taxes, special assessments, or service charges for the support of governmental activities. (Noun) The total amount of taxes, special assessments, or service charges imposed by a government.

Liabilities – Debt or other legal obligations arising out of transactions in the past, which must be liquidated, renewed, or refunded at some future date. This term does not include encumbrances.

License – A permit to engage in an activity. Also may refer to real property whereby a person is permitted to use or occupy real property.

Lot – A piece of land divided from a larger parcel.

Mayor Pro Tempore – Would be the appointment of a temporary mayor until appointment or election fills the position.

Meeting – Where a quorum of a governing body is present and information is received or discussed relating to matters that will come before the governing body or an action is taken with respect to matters that might come before the governing body.

Minimum Lot Size – The smallest lot or parcel that can be built on in a particular land use zone.

Motion – An oral action of the Council that is recorded in the minutes, but is otherwise not formally set forth in written form.

Municipal Bond – A bond issued by a state or local government.

Non-Conforming Use – A land use that does not comply with the ordinance of the zone it is in, or does not comply with other land use regulations.

Non-Intoxicating – Malt beverages having an alcohol content of 3.2 percent or less.

Nuisance – The use of land or behavior that brings harm or substantial annoyance to adjacent property owners or the public in general.

Obligations – Amounts which a government may be required legally to meet out of its resources. They include not only actual liabilities, but also unliquidated encumbrances.

Ordinance – A formal legislative enactment by the governing board of a city. If it is not in conflict with any higher form of law, such as a state statute or constitutional provision, it has the full force and effect of law within the boundaries of the city to which it applies.

Parcel – A lot or group of lots under a single ownership.

Parliamentary Procedure – Following the rules and customs of the Council on how a meeting is conducted. Official process to accomplish city business.

Petty Cash – A sum of money set aside on an imprest basis for the purpose of making change or paying small obligations for which the issuance of a formal voucher and check would be too expensive and time-consuming.

Performance Zoning – The use of standards in regulating land use location and density, rather than specific zones and districts.

Planned Unit Development (PUD) – A zoning development management approach to physical growth which combines housing, commercial, light manufacturing, and open space uses all in the same zone, while maintaining an overall density compared to conventional development.

Planning Commission – An official body appointed by the governing body of a city, township, or county that is responsible for making the comprehensive plan. In addition, the planning commission makes recommendations to the governing body on the zoning ordinance and zoning decisions, on subdivisions, and on general planning matters.

Plat – The map of a subdivision, showing the number and dimension of lots, public right of way, and easements.

Police Power – The power of a city to establish penal ordinance that prohibit conduct, adopt zoning regulations, remove nuisances, and otherwise provide for the health, safety and welfare of the community and its citizens.

Publish – Publishing a notice requires placing the item in the city's official newspaper for the specified period and in the specified form.

Punitive Damages – Punitive damages are meant to punish as opposed to compensate. Punitive damages cannot be awarded except in fairly extreme situations involving a malicious act or willful disregard of someone's rights. Generally, a city can't be assessed punitive damages.

Purchase Order – A document which authorizes the delivery of specified merchandise or the rendering of certain services and the making of a charge for them.

Quorum – The number of individuals necessary to transact business. A quorum is less than all of the members and is generally the number required to adopt an item, usually a simple majority of the body's members.

Referendum – A referendum is accomplished by the petition of the electorate to have an ordinance submitted to an election before it may become effective.

Refunding Bonds – Bonds issued to retire bonds already outstanding. The refunding bonds may be sold for cash and outstanding bonds redeemed in cash, or the refunding bonds may be exchanged with holders of outstanding bonds.

Relocation Assistance – Assistance given to individuals and businesses displaced by governmental acquisition of property. Assistance takes the form of help in locating replacement place for family or business and monetary payments related to additional costs of replacement location.

Resolution – A written action of the council adopted by voice vote of the council that records and sets forth the action taken by council.

Revenue Bond – A bond that is secured by the stream of payments received from some particular project or undertaking as opposed to the general revenues of the city.

Right-of-Way – The right to cross over property. A right-of-way usually refers to public land on which a street is built is a right-of-way. The right-of-way includes not only the street but land between the street and the sidewalk.

Right-to-Know – Legislation requiring employers to advise employees regarding hazardous materials in the work place.

Section 1983 – This refers to a section of the civil rights act that allows an injured person to sue for damages under federal law for a deprivation of rights by an individual(s) acting under the law.

Setback – The distance required to locate a building from a road, property line, or other building.

Site Plan – A map of a proposed development or subdivision.

Special Assessment – The levying of a charge against property that has received a benefit from a particular project or activity undertaken by the city. The special assessment becomes part of the funding mechanism to defray the cost of the project.

Special District – A special unit of local government created to provide a specific service, such as water and sewer, and fire protection.

Special Service District – A special service district is a district authorized by special legislation that allows for the imposition of service fees for services rendered in the district. It is available for use in industrial, commercial, or public utility applications.

Statute – A written law enacted by a duly organized and constituted legislative body.

Statutory City – A statutory city is one that is governed by Chapter 412 of Minnesota Statutes.

Storm Water – Any flow occurring during or following any form of natural precipitation.

Subdivision – The legal separation of a parcel of land into lots for future sale and/or development.

Substandard Housing – A broad classification for housing condition, rated in degrees of major and minor, which indicates that a certain dwelling unit is deficient for general use.

Surety Bond – A written promise to pay damages or to indemnify against losses caused by the party or parties names in the document, through nonperformance or defalcation.

Tax – A tax is a charge levied against property or an activity. Cities may only impose taxes pursuant to specific statutory authorization. A fee that generates revenues in excess of the cost of a service or the regulation of an activity is an illegal tax.

Tax Certificate – A certificate issued by a government as evidence of the conditional transfer of title of tax-delinquent property from the original owner to the holder of the certificate.

Tax Deed – A written instrument by which title to property sold for taxes is transferred unconditionally to the purchaser.

Tax Increment Financing – A development tool whereby the taxes generated by a development or redevelopment are used to pay the costs of the project incurred by the city. The additional taxes generated by development are used to reimburse the city's costs in the project.

Tax Lien – Claims which governments have upon properties until taxes levied against them have been paid.

Tax Rate – The amount of tax stated in terms of a unit of the tax base.

Taxes – Compulsory charges levied by a government for the purpose of financing services performed for the common benefit.

Tort – A civil wrong whereby a person's property or person have been injured by the wrongful act of another, which act may be intentional or simply the product of neglect to exercise reasonable care.

Tract – Land under single ownership or control.

Trust Funds – Funds used to account for assets held by a government in a trustee capacity for individuals, private organizations, other governments, and/or other funds.

Variance – The decision to alter the provisions of a land use ordinance, usually on a single piece of land.

Veteran's Preference – Statutory preferences granted to veterans of the armed forces including, additional points in civil service testing and protection from discharge except for misconduct. Does not apply to department head level employees.

Vote – At a council meeting, the formal decision on an item. Votes may be taken by roll call or by voice, but the minutes of the meeting must reflect how each member voted.

Waters of the State – All streams, lakes, ponds, marshes, aquifers, irrigation systems, drainage systems, and all other bodies or accumulations of water, surface or underground natural or artificial, public or private, which are contained within, flow through, or border upon the State or any portion thereof.

Zone – An area or areas of town in which certain land uses are permitted and other uses are prohibited by the zoning ordinance.

Zoning – A regulatory approach to the use of land defines what types of buildings, activities and construction may occur in a district. For example: single-family residential, commercial, light industrial, etc.